

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

WILLIAM H. SANDERS JR. §  
v. § CIVIL ACTION NO. 6:05cv464  
BRADSHAW STATE JAIL, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Plaintiff William Sanders, proceeding *pro se*, filed this lawsuit complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Sanders complained that in his job, he had to generate maintenance documents which were not true, thus making him an “accomplice.” On December 19, 2005, the Magistrate Judge ordered him to pay an initial partial filing fee of \$6.00, pursuant to 28 U.S.C. §1915(b). Sanders did not comply with this order, nor respond to it in any way.

On March 30, 2006 the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. The Magistrate Judge also observed that Sanders had failed to show or even allege that he had exhausted the available administrative remedies, as required by 42 U.S.C. §1997e. This rendered his complaint amenable to dismissal without prejudice for this reason as well.

Sanders received a copy of this Report on April 25, 2006, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district

court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

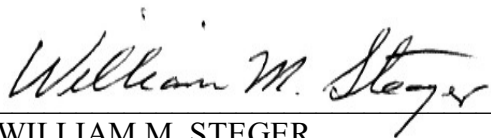
The Court has examined the Plaintiff's pleadings, the Report of the Magistrate Judge, and all documents and records in the case. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to prosecute or to obey an order of the Court, and failure to exhaust administrative remedies. Finally, it is

ORDERED that any and all motions which may be pending in this lawsuit are hereby DENIED.

**SIGNED this 22nd day of May, 2006.**

  
WILLIAM M. STEGER  
UNITED STATES DISTRICT JUDGE